

IC 21-9-2

Chapter 2. Definitions

IC 21-9-2-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-2

"Account" or "individual account"

Sec. 2. "Account" or "individual account" means a trust account or any other account of an education savings program.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.3.

IC 21-9-2-3

"Account beneficiary"

Sec. 3. "Account beneficiary" means the individual who is:

- (1) designated as the beneficiary of an account at the time the account is established under this article; and
- (2) designated as the new beneficiary when beneficiaries are changed.

As added by P.L.165-1996, SEC.1. Amended by P.L.25-1999, SEC.1.

IC 21-9-2-4

"Account owner"

Sec. 4. "Account owner" means the individual, an emancipated minor, a trust, an estate, a partnership, an association, a company, a corporation, or a qualified custodian under the Uniform Transfers to Minors act (IC 30-2-8.5) that is designated as having the right to do the following:

- (1) Select or change the designated beneficiary of an account.
- (2) Designate a person other than the designated beneficiary as a person to whom funds may be paid from the account.
- (3) Receive distributions from the account if no other person is designated.

As added by P.L.165-1996, SEC.1. Amended by P.L.25-1999, SEC.2; P.L.135-2002, SEC.4.

IC 21-9-2-5 Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-6

"Administrative account"

Sec. 6. "Administrative account" means the administrative account of the trust fund established under IC 21-9-5 that may be funded periodically from appropriations by the general assembly.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-7**Repealed**

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-8**"Authority"**

Sec. 8. "Authority" means the Indiana education savings authority created under IC 21-9-3.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-9**"Board"**

Sec. 9. "Board" means the board of directors of the authority established under IC 21-9-4.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-9.5**"Contribution"**

Sec. 9.5. "Contribution" means a payment directly allocated to an account for the benefit of an account beneficiary or used to pay fees associated with the account.

As added by P.L.25-1999, SEC.3. Amended by P.L.135-2002, SEC.5.

IC 21-9-2-10**"Contributor"**

Sec. 10. "Contributor" means any individual, emancipated minor, trust, estate, partnership, association, company, corporation, or qualified custodian under the Uniform Transfers to Minors act (IC 30-2-8.5) that makes a deposit for the benefit of an account beneficiary.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.6.

IC 21-9-2-10.5**Repealed**

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-11**"Education savings program"**

Sec. 11. "Education savings program" means:

- (1) a trust program; or
- (2) any other program established under IC 21-9-3 that qualifies as a qualified state tuition program under Section 529 of the Internal Revenue Code.

As added by P.L.165-1996, SEC.1. Amended by P.L.85-2000, SEC.2; P.L.135-2002, SEC.7.

IC 21-9-2-12**"Endowment fund"**

Sec. 12. "Endowment fund" means the endowment fund

established under IC 21-9-5 for the benefit of the education savings programs that:

- (1) may be funded periodically from gifts, bequests, devises, or other donations, or from any source not otherwise provided for; and

- (2) may not include any appropriations by the general assembly.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-13

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-14

"Financial institution"

Sec. 14. "Financial institution" means a bank, a commercial bank, a national bank, a savings bank, a savings and loan, a thrift, a credit union, an insurance company, a trust company, an investment company, a mutual fund, or similar entity that meets the qualifying requirements established by the authority.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.8.

IC 21-9-2-15

"General operating fund"

Sec. 15. "General operating fund" means the general operating fund established under IC 21-9-5 from which general operating, administrative, and capital expenses (other than those payable from the administrative account) may be paid.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-16

"Higher education institution"

Sec. 16. For purposes of an education savings program established under this article, "higher education institution" means a postsecondary educational institution that meets the following requirements:

- (1) Is authorized by law to provide a program of education beyond the high school level.

- (2) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate.

- (3) Provides an educational program:

- (A) for which the higher education institution awards a baccalaureate or an associate degree;

- (B) in which admission is contingent upon the prior attainment of a baccalaureate degree or the equivalent, for which the higher education institution:

- (i) awards a postgraduate degree; or

- (ii) provides not less than a two (2) year program that is acceptable for full credit toward a postgraduate degree; or

(C) of a two (2) year duration in engineering, mathematics, or the physical or biological sciences, that is designed to prepare the student to work as a technician and in a semiprofessional level in an engineering, a scientific, or other technological field that requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

(4) Is accredited by a regional accrediting agency or association or by an organization recognized by the United States Department of Education, or, if not so accredited is an institution whose credits are accepted on transfer by not less than three (3) institutions that are accredited by a regional accrediting agency or association or by an organization recognized by the United States Department of Education, with the credits accepted on the same basis as if the credits were transferred from an accredited institution.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.9.

IC 21-9-2-16.5

"Internal Revenue Code"

Sec. 16.5. "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended from time to time.

As added by P.L.135-2002, SEC.10.

IC 21-9-2-17

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-17.5

"Member of the family"

Sec. 17.5. (a) "Member of the family" means an individual who is one (1) of the following relatives of a designated beneficiary:

- (1) A lineal descendant of the designated beneficiary.
- (2) A lineal ancestor of the designated beneficiary.
- (3) A brother, sister, stepbrother, or stepsister of the designated beneficiary.
- (4) A stepparent of the designated beneficiary.
- (5) A stepchild of the designated beneficiary.
- (6) A niece or nephew of the designated beneficiary.
- (7) An aunt or uncle of the designated beneficiary.
- (8) An individual related to the designated beneficiary as follows:
 - (A) A daughter-in-law.
 - (B) A son-in-law.
 - (C) A mother-in-law.
 - (D) A father-in-law.
 - (E) A sister-in-law.
 - (F) A brother-in-law.
 - (G) A first cousin.

(9) The spouse of the designated beneficiary or the spouse of an individual described in subdivisions (1) through (8).

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms brother and sister include a brother or sister by the half blood.

As added by P.L.25-1999, SEC.5. Amended by P.L.135-2002, SEC.11.

IC 21-9-2-18

"Program account"

Sec. 18. "Program account" means the program account of the trust fund established under IC 21-9-5. A program account is comprised of:

(1) trust accounts; and

(2) other contributions or money received in trust by the authority together with allocable earnings (whether interest, gains, or dividends) and other contributions appropriately made or money properly allocable to the program account.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.12.

IC 21-9-2-19

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-19.5

"Qualified higher education expenses"

Sec. 19.5. "Qualified higher education expenses" has the meaning set forth in Section 529 of the Internal Revenue Code.

As added by P.L.25-1999, SEC.6. Amended by P.L.135-2002, SEC.13.

IC 21-9-2-19.7

"Rollover distribution"

Sec. 19.7. "Rollover distribution" means a rollover as defined in Section 529 of the Internal Revenue Code.

As added by P.L.25-1999, SEC.7. Amended by P.L.135-2002, SEC.14.

IC 21-9-2-20

Repealed

(Repealed by P.L.85-2000, SEC.6.)

IC 21-9-2-21

Repealed

(Repealed by P.L.85-2000, SEC.6.)

IC 21-9-2-22

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-22.1

"Trust account"

Sec. 22.1. "Trust account" means a trust account established by a contributor in the trust program by or for the benefit of an account beneficiary.

As added by P.L.135-2002, SEC.15.

IC 21-9-2-23

"Trust fund"

Sec. 23. "Trust fund" means the trust fund created under IC 21-9-5 for purposes of any trust program under IC 21-9-7 and IC 21-9-8.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.16.

IC 21-9-2-24

"Trust program"

Sec. 24. "Trust program" means the Indiana family college savings trust program established under IC 21-9-3.

As added by P.L.165-1996, SEC.1.